

THE ST. MARY’S COUNTY COMPREHENSIVE PLAN

CHAPTER 6: PRIORITY PRESERVATION AREAS ELEMENT	1
6.1 INTRODUCTION	1
6.2 AGRICULTURE’S AND FORESTRY’S ROLE IN ST. MARY’S COUNTY	1
6.3 ST. MARY’S COUNTY CURRENT PRESERVATION EFFORTS	2
6.4 ANALYSIS OF LAND CONSERVATION STRATEGIES	3
6.5 DEFINING THE PRIORITY PRESERVATION AREA	7
6.6 PRIORITY PRESERVATION AREA GOALS AND OBJECTIVES	11

This page blank

Chapter 6: PRIORITY PRESERVATION AREAS ELEMENT

6.1 INTRODUCTION

A Priority Preservation Area is an area where agriculture will be the focus of long-term efforts and investment by the County to ensure the ongoing retention of agricultural land uses and profitability of agricultural activities. Beginning in fiscal year 2009, counties that wish to have certified agricultural land preservation programs were required by the Agricultural Stewardship Act of 2006 (HB 2) to adopt a Priority Preservation Areas Element certified by the Maryland Department of Planning and the Maryland Agricultural Land Preservation Foundation. Approval of the PPA Element allows St. Mary's County to seek recertification of its agricultural land preservation programs every three years and to retain eligibility for maximum state funding for county agricultural preservation programs.

This Plan Element identifies a Priority Preservation Area (PPA) within the County capable of supporting profitable agricultural activities, governed by local policies to stabilize the land base to limit development, and large enough to support the kind of agricultural enterprises that the County is seeking to preserve. A PPA may consist of one or more contiguous or noncontiguous parcels of land and may include designated Rural Legacy Areas. The County's acreage goal for preservation in the PPA must be at least 80% of the remaining undeveloped land in the PPA as calculated at the time of application for recertification.

The PPA includes 97,660 acres of rural land which consists of all undeveloped and unprotected rural parcels that are 25 acres or larger. The parcels are dispersed throughout the Rural Preservation District and the County has determined that designation of these parcels will offer rural landowners the widest range of opportunity for participation in land preservation programs. To address concerns about gaps and fragmentation of agricultural lands, the County will also encourage protection of smaller parcels (15 to less than 25 acres) which are adjacent to lands in the PPA.

The 80% preservation goal requires protection of 78,128 acres of this land within the PPA. Current regulations, including TDR and clustering requirements are capable of protecting up to 76,175 acres of this land and an additional 11,700 acres of land in parcels smaller than 25 acres.

6.2 AGRICULTURE'S AND FORESTRY'S ROLE IN ST. MARY'S COUNTY

In 2007 the Census of Agriculture counted 68,648 acres of land in farms in St. Mary's County, which was a slight increase from 68,153 acres in 2002 but which was still down from 71,920 acres in 1997. The number of farms declined during the period from 1997 (658 farms) to 2002 (577 farms), but that trend had reversed by 2007 with an increase to 621 farms. St. Mary's County's loss of farmland from 1997 to 2002 was slightly more than the statewide percentage loss and somewhat less than the regional rate. From 2002 to 2007 the County saw a 6% increase in the number of farms (+5% statewide), and a 1 percent gain in the amount of land in farms (-1% statewide), but had a 6 percent decrease in the size of farms (-6% statewide). Statewide there was a decline in the value of agricultural products between 1997 and 2002. The decline in value from 1997 to 2002 in St. Mary's County and Southern Maryland generally was significantly greater than the loss of agricultural value in the rest of the State and was likely due to the Tobacco Buyout process. Given that the Buyout Program results were permanent, the loss in value appeared to represent a major regional industry readjustment. Traditional cash crops have lost ground to specialty crops and goods. It also appears that the "Buy Local" marketing campaign for Southern Maryland farm products funded via the Tobacco Buyout program increased demand for local produce and value added products.

Forestry is a component of the agricultural economy. According to the United States

Department of Agriculture (USDA), 47% of St. Mary's County was forested in 1999. Forested lands in the County face the same problems identified for the state as a whole in "MARYLAND'S STRATEGIC FOREST LANDS ASSESSMENT" published in October 2003 by the Maryland Department of Natural Resources (http://www.dnr.state.md.us/forests/download/sfla_report.pdf). "The state faces significant loss of the ecological, social and economic benefits of forests due to this rapid urban development. A compounding problem is that remaining forests are being fragmented from large, contiguous blocks of forest into many smaller, isolated patches. Smaller patches are less effective as wildlife habitat. They are more difficult to manage to protect soil, air and water quality. They are also less likely to support ... the forestry and wood products industry, the fifth largest industry in the State." In order to preserve rural character and stave off impacts of development, preservation efforts must be increased.

The Strategic Plan made the following findings about the County: The majority of forested lands are privately owned. There are a significant number of forested blocks exceeding 100 acres in the County. It is important to manage growth and development to preserve large blocks of forest. The majority of County forests are of low economic value relative to forests in the state as a whole (This is based on variety of factors including access to processing sawmills, slope and soil constraints for timbering, fragmentation of ownership, type and size of stock). The forest industry currently accounts for less than 1.7% of the County's industry output. Despite the relatively minimal statewide economic value of county forests, the industry remains an important rural economic component and forests provide significant environmental service benefits in the County:

- One acre of forest absorbs six tons of carbon dioxide and produces four tons of oxygen. This is enough to meet the annual needs of eighteen people. *USDA Forest Service.*
- 15 trees can offset the CO₂ production of a vehicle that gets 20 mpg driven 10,000 miles.
- Tree loss has a financial cost. Tree loss in the Baltimore-Washington region since 1973 has resulted in a 19% increase in storm water runoff (540 million cubic feet) at a cost of \$1.08 billion. *American Forests.*

The Strategic Forest Lands Assessment shows that the Breton Bay, St. Mary's River, and Patuxent River watersheds are experiencing the greatest percentages of forest loss—1% to 5% of forest per year.

6.3 ST. MARY'S COUNTY PRESERVATION EFFORTS

In 1995 St. Mary's County set a goal of 60,000 acres of farmland in permanent protection and began participation in the Maryland Agricultural Land Preservation Foundation (MALPF) program. A number of landowners have placed their lands in Maryland Environmental Trust (MET) and Maryland Historical Trust (MHT) easement programs. As of January 1, 2009, a total of 13,911 acres of land in farms have been permanently protected by easements; 8,665 acres through MALPF, 2,860 acres through the Rural Legacy Program, 2,083 through MET, and 303 acres through MHT. An additional 3,330 acres have been protected through the County's Transferable Development Rights (TDR) Program for a total of 17,241 acres of preserved land.

In 1998 the County established the 5,800 acre Huntersville Rural Legacy Area (HRLA) which was expanded in 2004 by 3,150 acres due to the success of the HRLA and interest among larger landowners in preventing sprawl from Mechanicsville. The County has a partnership with the Patuxent Tide Water Land Trust to place easements on properties in the Rural Legacy Areas. By the end of 2009, ten properties in the HRLA encompassing over 2,600 acres in the Patuxent River watershed have been protected through the Rural Legacy program. An additional 603 acres in the HRLA are protected by MALPF, MET and the TDR program, bringing the total land preserved in the 8,360 acre HRLA to approximately 3,200 acres. This represents 65% of the

original RLA, and 40% of the expanded RLA.

In 2006, the Mattapany Rural Legacy Area (MRLA) encompassing 13,703 acres was established with the aim to protect a total of 6,500 acres with Rural Legacy funds and an additional 2,000 acres by other means, for a total of 8,500 acres (62% of the MRLA). The Board of County Commissioners purchased the first property preserved in this Rural Legacy Area, referred to as the Fenwick Property. Thirty-one development rights (TDRs) have been lifted from the property, preserving 155 acres, and 5 lots have been donated to Habitat for Humanity. Two farmsteads have been created – one will be utilized for the creation of a year round farmers market. Since 2009 easements purchases have protected three additional properties south of the Fenwick Property, totaling more than 304 acres. A total of 2,536 acres in the MRLA had been protected by the end of 2009.

The vast majority of the acreage outside of the development districts and the priority funding areas in St. Mary's County is zoned Rural Preservation District (RPD). Regulations affecting the Rural Preservation District (RPD) are intended to protect the land base necessary to support and foster agriculture, forestry, mineral resource extraction, and aquaculture. On July 24, 2007, a zoning amendment took effect to enhance the transfer of development rights (TDR) program. The RPD zone permits one dwelling by right on a lot or parcel of land and requires use of TDRs or payment of a fee-in-lieu of TDRs to construct additional dwellings. Residential density is set at one dwelling unit per five acres (1:5) in the RPD zone with provisions to increase density up to 1 dwelling per 3 acre with use of TDRs. However, an increase of density above 1 dwelling per 5 acres is not permitted for RPD land located within a Rural Legacy Area.

The revised TDR program results in an effective RPD density of 1 dwelling per 10.8 acres¹. All developments of more than one dwelling must cluster the new lots on 50% or less of the original tract. The RPD district is subject to performance standards that maintain the rural character of the district in recognition of the fact that a full range of public facilities is not provided or planned.

The Resource Conservation Area (RCA) Critical Area Overlay allows 1 dwelling to be constructed for each 20 acres of land in the parcel. Properties in the RCA with less than 20 acres that predated the Critical Area regulations are allowed 1 dwelling by right. The overall density constructed on a parcel cannot exceed the density of the base zoning district.

Establishment of an Installment Purchase Agreement (IPA) land preservation program is a goal of this Comprehensive Plan. IPA programs are successful in other counties because they offer landowners capital gains tax deferral, tax-exempt interest payments, charitable contributions, and flexibility for estate planning.

6.4 ANALYSIS OF PRIOR LAND CONSERVATION STRATEGIES

While the PPA program will enhance efforts, it is not envisioned by the County as the means to achieve all land conservation goals. St. Mary's County's overall preservation strategy must contain a number of elements to be effective in securing a land base for the agricultural industry. The success of each program or policy is highly dependent on the support of each of the other components. Program elements are discussed below.

¹ Buildout analysis shows that while density varies slightly by project, based on specific parcel sizes the effective density at buildout is not more than 10.8 du/acre. The RPD zone allows low-density residential development of one dwelling by right and requires use of TDR's or payment of a fee-in-lieu to construct additional units. To achieve the allowed density a landowner can have 1 lot by right plus additional lots with purchase of TDRs from 5 acres of off site vacant RPD land or from vacant lots. The landowner may utilize TDR's from his own land which results in a density of approximately 1 dwelling per 9.8 acres.

6.4.1 **FUNDING**

Local sources of revenue for agricultural land preservation have increased in recent years but the totals are far from the amount needed to meet County goals for farmland preservation. The 2005 Land Preservation Parks and Recreation Plan noted significant challenges to meeting the County's farmland preservation goal. In response, the County strengthened its TDR program, instituted an Annual Growth Policy that discourages growth in the Rural Preservation District, created Rural Legacy areas, and established a portion of the recording tax as a dedicated funding source. Still, there is a need to identify more state and County funding to purchase land and easements.

OVERVIEW OF EXISTING PROGRAMS

Countywide there are nearly 34,000 acres of land protected via Federal, State, and locally funded easement acquisition and voluntary efforts. Continuation of ongoing programs, such as land conservation in the two Rural Legacy Areas, MALPF easement acquisition efforts, and the implementation of additional programs, such as an Installment Purchase Agreement Program or creation of zoning incentives for conservation within an Agricultural Focus Area and a Natural Resources Focus Area, will allow the County to achieve protection in excess of 80% of the undeveloped RPD land. Supplementing land conservation via TDR and clustering provisions is the application of resource protection criteria (discussed in Chapter 5) which will protect an estimated 91,000 acres of land countywide.

6.4.2 **MALPF PARTICIPATION**

While there has been a lot of interest from landowners in the MALPF program, State changes to the program since adoption of the 2002 Comprehensive Plan had a dampening effect. The County hopes to work with the MALPF Board to recognize and address the impact that changes to the MALPF program may have on current and future participation in the program.

The Land Preservation, Parks and Recreation Plan identified rate and cost factors of land conservation and recommended that St. Mary's County's strategy for agricultural land preservation should include the following:

1. Adopt a realistic, achievable goal for farmland in permanent protection.
2. Designate a true agricultural preservation area, perhaps as an overlay zone, and take steps to preserve agriculture and the farmland base in this area.
3. Seek increased State funding for the MALPF program and encourage revisions to the State program to remove disincentives to participation.
4. Identify new and supplement existing funding sources.
5. Allow for auxiliary commercial enterprises on farms that can assist the industry's transition from tobacco.

6.4.3 **COUNTY TDR PROGRAM AND MANDATORY CLUSTERING**

The primary means to achieve the 80% protection in the PPA and on other rural lands will be implementation of the TDR program and the clustering requirements of the ordinance. The 2007 revision of the County TDR program was designed to address identified problems associated with land conservation by relocating the burden of conservation from the public sector to the private sector and from a purely voluntary to a mandatory program by 1) making land conservation a required component of all major rural development projects, 2) by allowing payment of fees-in-lieu as a means to bolster funding for targeted conservation by the County, 3) by reducing the effective rural density without an across the board down-zoning of all rural lands, and 4) by increasing the cost for rural development to achieve greater parity with cost of

development in growth areas. The 2007 TDR program has achieved a major change in land development patterns and, in combination with mandatory clustering provisions implemented in 2002, has greatly enhanced land preservation in the County.

The TDR program recognizes that the desire to live in the countryside historically has outpaced the desire to live in an urban/suburban setting. This desire for rural home sites was a reason the County’s first TDR program had not worked to shift development from rural lands into the planned growth areas. The revised TDR program uses the on-going desire for rural lots as a primary driver for rural land protection. In addition, the program retains opportunities for landowners to create small affordable lots for children to keep families on farms, and also retains opportunities for sale of small lots as source of income for farmers who are attempting to continue farming in uncertain economic times. GIS analysis show the effectiveness of current ordinance requirements by determining the development potential and land conservation that could result from build-out on 106,872 acres² in the 1,944 unprotected parcels in the RPD under the County’s 1-dwelling-per-5-acre rural zoning. For comparison, analysis was also performed for the buildout under the State recommended 1-dwelling-per-20-acre rural zoning

The following table shows the development potential and land protection achieved for the two scenarios

	Total dwellings allowed on unprotected lands (A)	New dwellings allowed (B =A minus 1,944 existing lots/parcels)	Acres of land protected by easements (C)	Percentage of unprotected rural land (106,872 acres) protected by easements	Percentage of all rural land (202,569 acres) protected by easements
SMCo existing 1:5 RPD zoning w/ clustering for major subdivisions	11,439	9,500	84,114	78.70%	41.52%
MDP suggested 1:20 zoning w/ clustering for major subdivisions	4,794	2,850	33,795	31.60%	16.68%

Implementation of County regulations will achieve land conservation at a rate that outpaces the conservation that could be achieved under the State’s recommended 1-dwelling-per-20-acre zoning. The County’s current regulations allow creation of more than 3 times as many new rural lots. but the increase does not result in increased land area being developed. Instead, it results in more than 75% of the rural land being placed in permanent land protection easements. The County TDR and clustering programs applied to the State’s recommended 1-per-20 density would result in fewer new rural lots and significantly less permanently protected land.

Maximum new development on rural lands—all parcels 15 acres or larger—will not exceed 9,500 new lots. As TDRs are used for development in growth areas the number of new rural lots will decrease. The overall number also decreases as developers of rural subdivisions utilize program provisions that allow RPD density to increase (up to 1 dwelling per three acres) on individual parcels in exchange for significantly increased land protection. This provision encourages clustering of smaller lots on land best suited for development within the same footprint that would be used for lesser density development. The Annual Growth Policy caps the number of rural lots created each year—set at 241 per year for 2010, which means the County has nearly a 40 year supply of new lots under the current program. The potential new lots under the suggested 20 acre zoning would be exhausted in less than 12 years.

² Total Rural land (202,569 acres) minus Rural Land in parcels smaller than 15 acres (61,713 acres) minus Rural Land in protected parcels : (33,984 acres) equals Unprotected Land in parcels greater than 15 acres (106,872 acres)

Running out of rural lots in 12 years would create pressure to rezone; and without permanent land protection in place, rezoning and new development would likely occur. The existing TDR, clustering and 1:5 rural density provisions permanently protect land while also meeting the demand for affordable homes in the Rural Planning Areas and retaining broader economic options for landowners to continue farm and forestry uses on their lands.

County ordinances achieve permanent land protection without a need for the County to expend significant funds and at the same time discourage creation of large, unaffordable estate lots on rural land. A disadvantage of the County program is that the conservation via a private TDR market is not targeted toward protection of the most important or critical lands. This disadvantage is offset to some extent by the fees-in-lieu provisions of the program that provide an additional dedicated source for funds that the County can leverage and use as matching funds to achieve targeted local, State and Federal conservation goals. This plan encourages refinement of the program to configure rural subdivisions so they maximize protection of critical agricultural resources

When the TDR program was revised in 2007 there was consensus that conservation of large blocks of RPD land, primarily held in large RPD parcels, is a priority for the County and a priority was placed on developing a land preservation program that offers hope of protecting rural land *county-wide* as well as strategically located specific parcels. Finally given the variability in funding levels, the rural land protection program developed does not depend on Federal, State, or County for funding and creates a source of funds for targeted land protection when deemed necessary.

The TDR and clustering provisions serve to meet the countywide rural preservation goals and can achieve protection of 78.7% of the land in unprotected RPD lots and parcels that are 15 acres or larger in size. These parcels include the largest and most productive farms county-wide as well as large tracts of forest and include 32,970 acres of prime agricultural soils and 12,745 acres of prime forest soils. For all undeveloped rural parcels in the County, the TDR program comes very close to meeting the 80% land preservation goal of the Priority Preservation Area (PPA) legislation.

6.4.4 ADDITIONAL LAND CONSERVATION MEASURES

In response to local and State concerns about the impact of rural residential development on continued farming and forestry activities, the County should implement ordinance provisions to effectively buffer farms from development, to increase protection for the most productive farm soils, and to develop rural subdivision standards that are conducive to continuation of farming on preserved land the subdivided parcel and on neighboring properties.

To facilitate pursuit of available federal or state funds targeted for specific purposes, this plan identifies core areas that have a strong existing agricultural heritage and eligible soils, and cultural, natural or historic heritage and that are consistent with the adopted Land Preservation, Parks and Recreation Plan. Figure 6.4.5 designates specific target areas in which to pursue specific land preservation goals:

- 1) Agricultural Focus Area centered around a concentration of existing MALPF easements and of lands in “Plain Sect” ownership (see discussion in 6.5.2 below);
- 2) Two Rural Legacy Areas (Huntersville and Mattapany) to protect large, contiguous tracts of land and strategic areas from sprawl development and to enhance natural resource, agricultural, forestry and environmental protection; and
- 3) A Natural Resource Focus Area for targeting funds available specifically for protection of habitats of rare, threatened and endangered species and to provide a

broad wildlife corridor that connects the Potomac and Patuxent watersheds via core areas of green infrastructure of high ecological value. These target areas are delineated in Figure 6.4.3.

Within these areas, efforts will be made to facilitate appropriate rural economic activities while conserving lands having important agricultural, natural, cultural, and historical resources. Funds designated under the Agricultural Stewardship Act of 2006, Rural Legacy program funds, federal and state funds for habitat conservation, County TDR fees-in-lieu, and other dedicated funding sources will be utilized in addition to existing preservation programs to preserve lands in these target areas.

6.5 DEFINING THE PRIORITY PRESERVATION AREA

6.5.1 GENERAL CONSIDERATIONS

The parcels identified have the characteristics noted in the Agricultural Stewardship Act necessary for designation as a Priority Preservation Area in that they: contain productive agricultural or forest soils, or are capable of supporting profitable agricultural and forestry enterprises where productive soils are lacking; are large enough to support the kind of agricultural operations that the County seeks to preserve, as represented in the comprehensive plan; and, as described below, will be subject to local policies and regulations that stabilize the agricultural and forest land base so that development does not convert or compromise agricultural or forest resources.

The broad distribution of the PPA across the RPD using parcel size and protection status is viewed as a means to eliminate any potential disincentives for achieving countywide land conservation, and to address the uncertainty about future State legislation and PPA regulation becoming too restrictive. To address both local constituents' concerns about eligibility for smaller farmsteads and parcels for funding, and State agency concerns that the PPA's land preservation pattern was more fragmented than was desirable for maintaining agricultural operations, this plan also designates, unprotected rural parcels 15 acres to less than 25 acres as "other lands targeted for conservation." While not formally part of the PPA, these latter parcels should be protected to the extent possible.

6.5.2 ESTABLISHING PPA BOUNDARIES

The parcel-based PPA (illustrated in Figure 6.5) includes all unprotected lands 25 acres or larger located in the Rural Preservation District, and encompasses 97,660 acres of land. Also shown on Figure 6.5 are other lands targeted for conservation which include parcels 15 acres or less than 25 acres in size, encompassing an additional 14,990 acres. Meeting the goal of protecting 80% of the undeveloped land in the PPA means the County must protect a total of 78,130 acres. The TDR and clustering regulations should result in permanent protection of 76,175 acres in the PPA. Maximum rural development area in the PPA will be 21,480 acres. Within the "targeted lands" there will be 11,500 acres of protection provided by ordinance provisions. Currently approximately 33,984 acres is in permanent agricultural and open space protection outside the PPA. The acreage of planned and existing land preservation in the rural planning districts is 121,660 acres which is 60% of the total rural area in the County.

The Priority Preservation Area was selected because the parcels have an existing concentration of profitable agricultural and forestry enterprises or have the capacity for reestablishing these activities. The PPA and the parcels targeted for conservation are large enough to support commodity crops (predominately corn, wheat, soybeans), fodder and feed operations, small to medium scale livestock operations, equine operations, and specialty farm operations (including organic farming). The selected parcels include "Plain Sect" (Amish and Mennonite) lands and surrounding large parcels. Preservation of these surrounding lands is

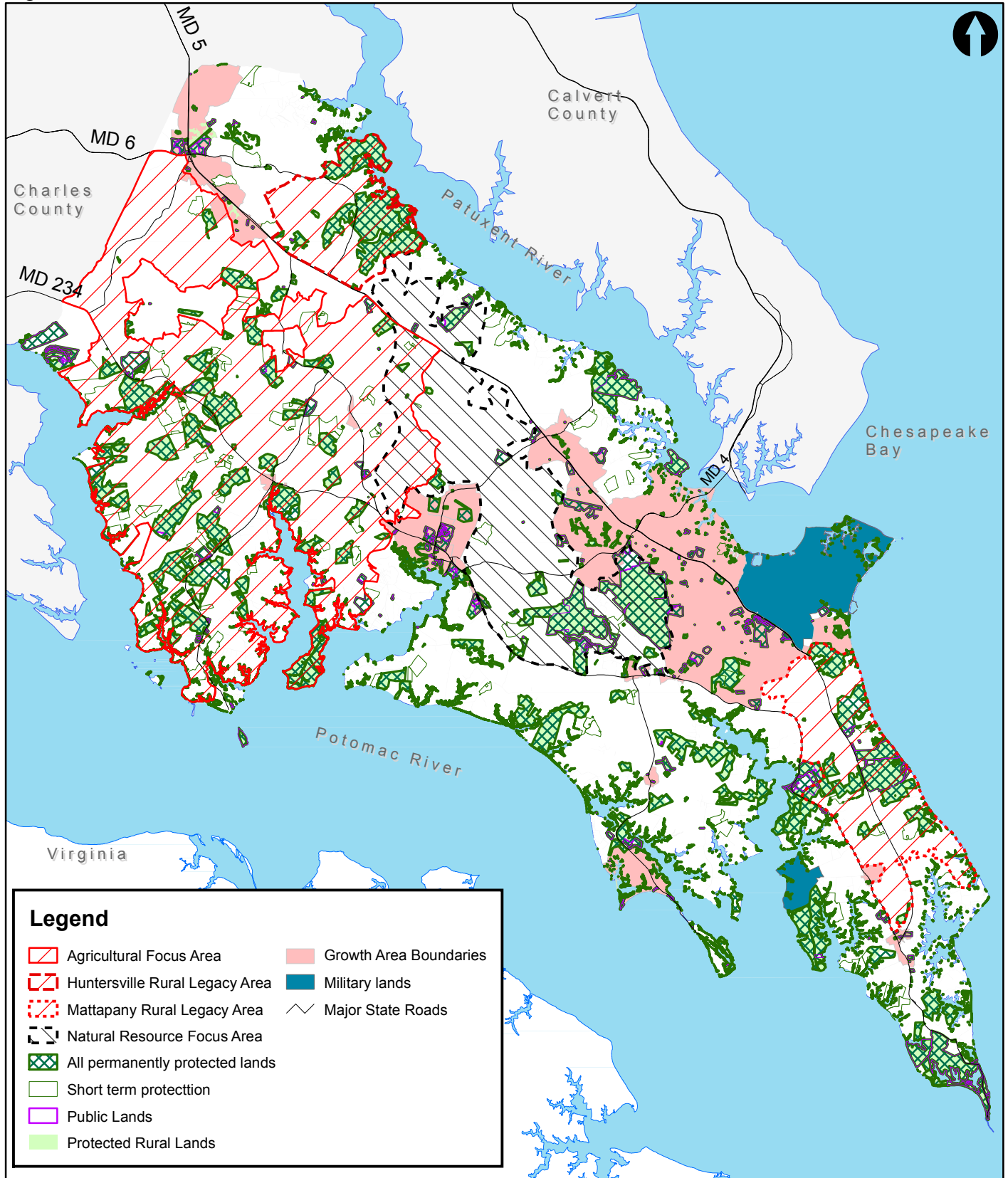
anticipated to help stabilize the continued presence of the “Plain Sect” communities, farm operations and activities as important components of County heritage and rural character. Since “Plain Sect” landowners rarely participate in government easement programs, creating an environment favorable to retaining the approximately 9,300 acres of land in “Plain Sect” ownership has potential to contribute to the overall conservation of farm and forest land in the PPA without a need to expend added county or state funds. The selected parcels also surround existing concentrations of MALPF and Rural Legacy easements and include many parcels currently enrolled in 5-year Agricultural Land Preservation Districts.

The Priority Preservation Area encompasses significant lands that are not currently in agricultural production, including forested and fallow lands with a potential for future production by the soil survey. GIS analysis of the 2009 USDA Soils Survey shows that within the PPA there are 41,622 acres of productive agricultural and/or forest soils--27,699 acres of prime farm soils and 13,923 acres of prime forest soils. Analysis of the Maryland Department of Planning 2007 Land Use and Land Cover mapping indicates that there are 30,104 acres currently in agricultural uses and 55,665 acres currently in forest uses within the PPA. Outside the PPA, “targeted lands” include 4,384 acres of prime agricultural soils and 2,509 acres of prime forestry soils and per the 2007 land use data, encompass 4,197 acres in agricultural use and 9,577 acres in forest use.

The goals and objectives of this Plan element are established to reinforce the County’s existing policies and regulations, to guide updates and changes to those policies and regulations necessary to enhance the program and to implement the following goals of the MALPF Program for agricultural land:

- Permanently preserve agricultural land and soils capable of supporting a reasonable diversity of agricultural products.
- Protect natural, forest, and historic resources and the rural area character of the landscape associated with Maryland’s farmland. Concentrate preserved land in large, relatively contiguous blocks to effectively support long-term protection of resources and resource based industries.
- Limit the intrusion of development and its impacts on rural resources and resource-based industries through use of local land use management authority to protect public investment in preservation by managing development in rural preservation areas.
- Preserve approximately 60,000 acres of productive agricultural land by 2020.
- Ensure good return on public investment by concentrating State agricultural land preservation funds in areas where the investment is reasonably well supported by both local investment and land use management programs.
- Develop a shared understanding of goals and the strategy to achieve them among rural landowners, the public at large, and State and local government officials.
- Protect the equity interests of rural landowners in preservation areas by ensuring sufficient public commitment and investment in preservation through easement acquisition and incentive programs.
- Establish effective measures to support profitable agriculture, including assistance in production, marketing, and the practice of stewardship, so that farming remains a desirable way of life for both the farmer and the public-at-large.

Figure 6.4.5.



St. Mary's County Focus areas for land preservation programs

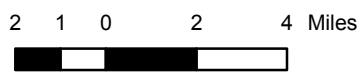
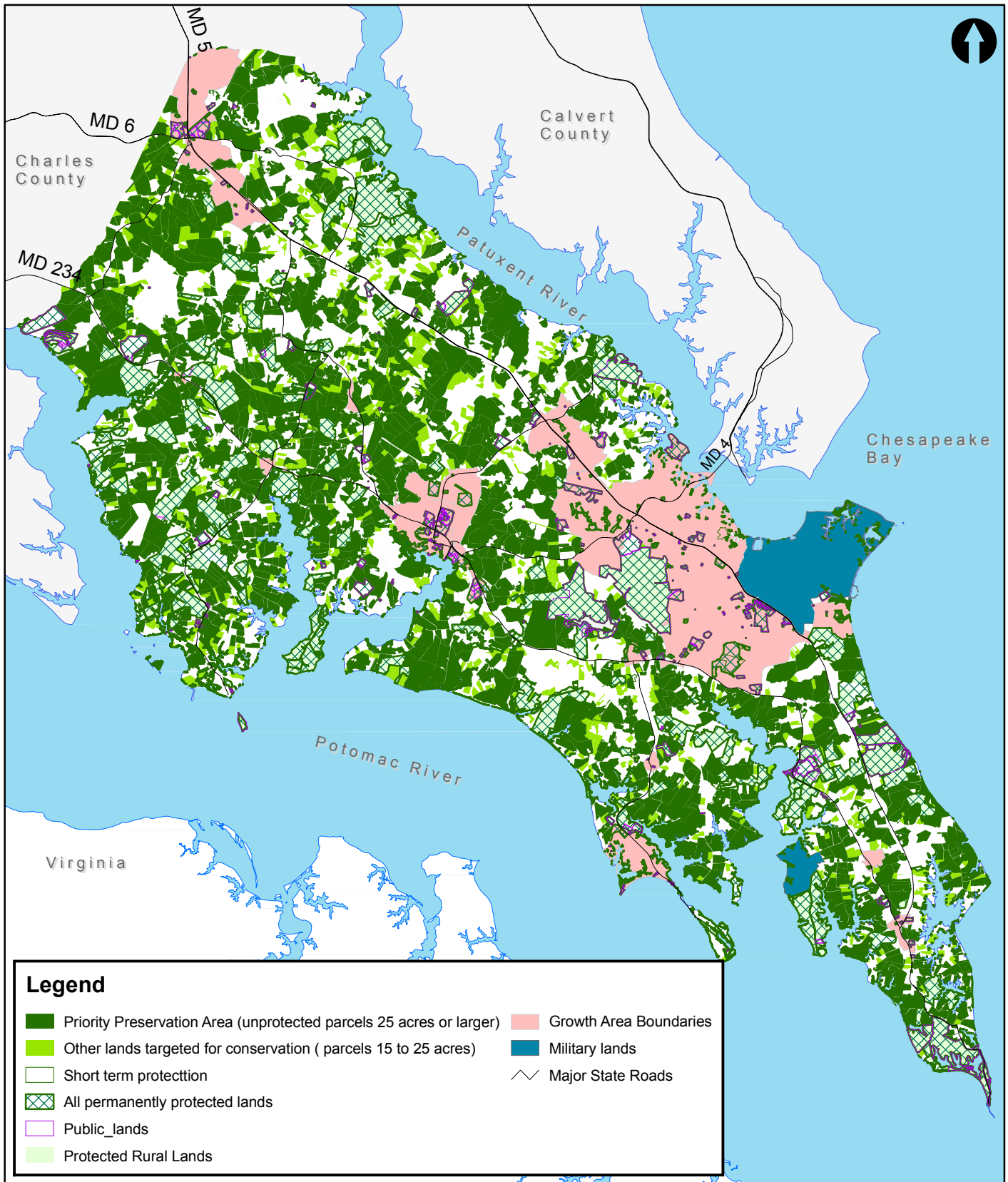


Figure 6.5.



St. Mary's County Priority Preservation Areas and other lands targeted for conservation

2 1 0 2 4 Miles

In addition, the County will explore establishment of an Agricultural Overlay floating zone which landowners can voluntarily place upon their land to enhance economic options for agricultural and forestry uses. In exchange for the benefits of the floating zone, land would become subject to residential density reductions and/or more stringent development standards (such as increasing zoning setbacks from the currently required 15-foot side or 20-foot rear setbacks). Other incentives may include bonus TDRs which the landowner could sell, the right to conduct agri-tourism, value added farm and forest product processing, cottage industries and businesses that capitalize on (and do not conflict with) agricultural and forestry operations.

6.6 PRIORITY PRESERVATION AREA GOALS AND OBJECTIVES

6.6.1 **Goal:** Preserve at least 60,000 acres of farmland countywide by 2020 and at least 80% of the undeveloped land in the approved Priority Preservation Area (PPA).

A. **Objective:** Implement an agricultural land preservation program to preserve 60,000 acres of land including both tracts that are in active agricultural production and those that have prime agricultural soils suitable for future production.

i. **Policy:** Seek state and federal funding, matched with county funds to implement preservation efforts to achieve preservation of 80% of eligible lands within the PPA.

ii. **Policy:** Continue to develop and implement local incentives, zoning designations and taxing policies to preserve farmland countywide.

a. **Action:** Require developers of major subdivisions to identify prime agricultural and woodland soils and to place non-farm development in a manner that preserves 50% or more of those soils on the site.

b. **Action:** Use funds collected from the existing TDR fee-in lieu program for protection of agricultural land primarily in areas targeted for agricultural preservation.

c. **Action:** The County should consider implementing an installment purchase agreement agriculture land preservation program.

d. **Action:** Encourage the lifting of development rights from agricultural parcels via transfer of rights in the private market, the use of easements purchased or donated to public entities, and land trusts and/or reduction of base density through the voluntary placement of land in an agricultural overlay in exchange for enhanced economic incentives that promote farm and forestry operation on the land.

e. **Action:** Explore an Agricultural Overlay floating zone with zoning density reductions and development standards, in exchange for incentives such as transferable development right density bonuses and an expanded list of permitted uses allowed on a tract to supplement farm income.

f. **Action:** Establish a Critical Farms program.

iii. **Policy:** Continue and strengthen the Right to Farm provisions of the zoning ordinance to recognize agricultural land uses as a preferred land uses for rural areas, to discourage encroachment of non-agricultural uses into rural areas and minimize adverse impacts of non-agricultural uses and

activities on agricultural operations.

- a. *Action:* Increase buffering and setback requirements for non-agricultural uses that are adjacent to agricultural operations.
 - b. *Action:* Continue the limitation on use of TDRs to increase density in the Rural Legacy Areas.
 - c. *Action:* Where possible preserve good agricultural soils within development parcels for continued farming.
- iv. **Policy:** Utilize available federal, state and local funding to implement the local preservation program.
- a. *Action:* Fully utilize the agricultural transfer tax for land conservation programs.
 - b. *Action:* Facilitate landowner participation in the Maryland Agricultural Land Preservation Fund.
 - c. *Action:* Facilitate landowner participation in the Maryland Rural Legacy Program.
 - d. *Action:* The County should continue, when possible, to fund and promote landowner participation in the County 5-Year Agricultural District program.
 - e. *Action:* Continue using the dedicated portion of the recording tax for property transfers as a source of revenue to be used for land conservation.

6.6.2 **Goal:** Maintain and protect forested lands and developed woodland.

- A. **Objectives:** Maintain and enhance forest cover to protect biological productivity and habitat values throughout the County by enhancing and restoring riparian forest ecosystems, minimizing the impacts of forest harvesting activities on water quality, reducing forest fragmentation by minimizing permanent loss of woody vegetation on developed lots and parcels and providing for a net increase in forest vegetation in the County.
- i. **Policy:** Consider implementing local regulations to achieve “no net loss” of forest in accordance with future Maryland laws and regulations.
 - ii. **Policy:** Manage forest and woodland to maintain maximum values for wildlife, water quality, timber, recreation and other resources, recognizing that in some cases these uses may be mutually exclusive.
 - iii. **Policy:** Pursue increased acreage of forest and managed woodlands, particularly in the Critical Area.
 - iv. **Policy:** Establish ordinance provisions to preserve and enhance existing roadside forests. Provide woodland buffers in a manner that protects viewsheds of designated historic roads, and that maintains the rural and scenic character of the County visible to those traveling existing roads in rural areas and roads bounding the edges of growth areas. Preserve existing woodland and utilize urban forestry and street trees to buffer and screen new developments from principal roads passing through town centers and villages.

- v. ***Policy:*** Minimize the removal of trees associated with development activities, mitigate the environmental impacts of tree removal within development envelopes, and minimize and mitigate the visual impacts of loss of forest cover from county roads.
- vi. ***Policy:*** Develop an urban tree program for the Leonardtown and Lexington Park Development Districts and for the Town Centers.

This page blank.